

ORDINANCE NO. 7414

ORDINANCE AMENDING TITLE 5 ENTITLED “BUSINESS LICENSING AND REGULATIONS” OF THE CODE OF ORDINANCES OF THE CITY OF EAU CLAIRE BY CREATING CHAPTER 5.65 ENTITLED “SCOOTER SHARE”.

SECTION 1. *That Chapter 5.65, entitled “Scooter Share” is hereby created as follows:*

Chapter 5.65

SCOOTER SHARE

Sections:

5.65.010 Purpose.

5.65.020 Definitions.

5.65.030. License Required.

5.65.040. License Requirements.

5.65.050. Licensee Requirements.

5.65.060. Shared Scooter Standards.

5.65.070. Parking Shared Scooters.

5.65.080. Penalty.

5.65.010. Purpose. The purpose of this chapter is to protect the public health, safety, and welfare to prevent or mitigate against any adverse impact that shared scooters may have to public or private property by licensing all persons who make available shared scooters in the city.

5.65.020. Definitions. For purposes of this chapter, the terms herein have the following meanings:

- A. “Customer” shall mean a user of a shared scooter.
- B. “Dock” shall mean a structure at a permanent, fixed location from which shared scooters may be deployed for use by the public.
- C. “Scooter share” shall mean a transportation system providing users the ability to access scooters via mobile technology and that do not need to be attended by the operator, allowing the user to pick up a scooter from one location and leave it at another within a system’s service area.
- D. “Shared scooter” shall mean a scooter or electric scooter offered or operating in a system through which members of the public are offered for consideration the use of scooters with the use of fixed docking or parking facilities.
- E. “Mobile application” shall mean the software installed on a customer’s mobile device that allows the customer to access shared scooters.
- F. “Operator” shall mean a person or entity who offers shared scooters.
- G. “Rebalancing” shall mean redistributing scooters throughout the city to ensure all areas are served by scooter share.

5.65.030. License Required. Any person conducting or carrying on the business of offering a scooter share shall have first obtained a license in accordance with this chapter.

5.65.040. License Requirements. A. A license applicant under this chapter shall apply on forms available from the city clerk and pay all applicable fees established in the Fees and Licenses Schedule.

B. A license applicant shall maintain commercial general liability insurance during the period of the license in the amount of at least two (2) million dollars and shall name the City of Eau Claire as an additional insured.

C. A license applicant shall provide and maintain a financial guaranty, in the form of cash on deposit with the city, upon which the city may immediately draw, in the amount of \$80 per scooter, with a maximum of twelve thousand (\$12,000) dollars, to secure performance of the terms of this license. If a licensed operator increases the size of its fleet as permitted by this chapter, the financial guaranty shall be adjusted appropriately before deploying additional scooters. The financial guaranty shall be used to pay city expenses including, without limitation, the following:

1. Public property repair and maintenance costs caused by the operator’s equipment;
2. Any cost for removing or storing scooters improperly parked; and

3. Any cost to the city to remove scooters if the applicant's license expires or is otherwise terminated.

D. A license applicant shall sign an agreement indemnifying and holding the city harmless, on a form available from the city clerk.

E. A license applicant shall rent from the city at least one designated shared scooter parking location in each section of the city, per specifications of the license. Available locations and associated costs, including costs for installation or repair of concrete, asphalt, paint, labor or other related items, for city locations shall be available from the city engineer or her or his designee on a first come, first served basis. A licensee renewing a license shall have first opportunity to renew rental of a designated city parking location rented by licensee in the previous license year, if renewed by June 30. Licensee shall maintain at least five scooters at each city property rental location. Licensee shall be responsible for all snow removal at the property rental location and shall clear snow within twenty-four hours following a snowfall during licensee operations.

F. The license period shall run from July 1 through June 30.

5.65.050. Licensee Requirements.

A. A licensee shall provide, in its mobile application, a means for customers to notify the operator if there is a safety or maintenance issue with the shared scooter.

B. A licensee shall include, in its mobile application, prominently displayed notification of the following information:

1. Scooter riding on sidewalks is not permitted in certain business districts consistent with the City's code of ordinances and Walk your Wheels messaging;

2. Helmet use is encouraged while riding a scooter;

3. Users shall yield to pedestrians on sidewalks and in crosswalks;

4. When riding on-street, users must comply with all traffic regulations, as drivers would in a motor vehicle;

5. Shared scooters shall only be parked in bicycle racks, designated scooter parking areas, or on private property with the consent of the property owner; and

6. Electric scooter riding is prohibited wherever city ordinance prohibits the operation of motorized vehicles.

C. A licensee shall provide users with a 24-hour customer service telephone number to report safety concerns, complaints, or ask questions.

D. A licensee shall have a staffed business location located within the City of Eau Claire, in an appropriately zoned location, for the purpose of local business operations, maintenance and rebalancing efforts.

E. A licensee shall understand and educate users regarding the laws applicable to riding and operating in the city, including that scooters are prohibiting from operating on sidewalks in certain geographic areas.

F. A licensee shall provide direct, current contact information to the city for the licensee or local persons capable of retrieving or rebalancing shared scooters. Licensee shall retrieve or rebalance shared scooters within two hours of receiving a request from the city.

G. A licensee shall remove or repair any inoperable shared scooter or shared scooter that is not safe to operate, within 24 hours of notice by any means to the licensee.

H. A licensee shall maintain records of the number of rides sold or used in each month, the distance traveled in each ride and the geographic area covered, and provide such information monthly to the city.

I. A licensee shall not deploy more than 300 shared scooters. Up to an additional 50 shared scooters may be deployed if merited by data provided by the licensee and approved by the city engineer or her or his designee. Electric scooters and traditional scooters shall count equally toward this maximum.

J. A licensee shall rebalance shared scooters every morning to maintain supply throughout all areas of demand in the city.

K. A licensee shall remove all shared scooters from use in the city during any unlicensed time period. All shared scooters shall be temporarily removed from the public right-of-way and parking lots in the event of a snowfall two inches or greater so as not to interfere with snow removal efforts. Scooters not removed may be removed by the City at licensee expense and any damage to scooters or related equipment that may be caused by snow removal activity shall be the sole responsibility of the licensee.

L. A licensee shall prohibit through use of geofencing or other similar means, the operation of a shared electric scooter in areas where motorized vehicle operation is prohibited.

5.65.060. Shared Scooter Standards. No person shall offer a shared scooter for use that does not meet each standard set forth in this section and any other section of this chapter:

A. All scooters used in a scooter share shall meet all applicable federal and state standards for electric scooters, including those established in 347.489, Wis. Stats.

B. Speed of electric scooters used in a scooter share shall be governed to 15 miles per hour or other speed approved or required by the chief of police or her or his designee. On city trails, speed shall additionally be governed to 10 miles per hour.

C. The shared scooter shall be equipped with technology to track ridership data required by this chapter.

D. Each shared scooter shall have affixed, in a prominent location, identifying information that includes:

1. The name, address, email address, and 24-hour customer service telephone number of the licensee; and

2. A unique identifying number or series of numbers for each shared scooter.

5.65.070. Parking Shared Scooters.

A. Shared scooters shall be parked only in a docking station, bicycle rack, designated shared scooter parking location rented from the city, geofenced parking location, or on private property with permission, and shall be parked upright in a neat and orderly manner. Geofenced locations for shared scooter parking shall be subject to approval by the city engineer or her or his designee.

B. No user of a shared scooter shall park a shared scooter in any location except where authorized by this code of ordinances. Both the licensee and user are jointly and severally liable for any parking in violation of this code of ordinances.

C. Any shared scooter left in an unauthorized location or parked in violation of this code of ordinances may be collected and disposed of by the city. The cost of such collection or disposal shall be collected from the licensee either through the financial guaranty required by this chapter or directly from the licensee if the financial guarantee is insufficient to cover the cost.

5.65.080. Revocation or Suspension. A license may be revoked or suspended by the director of engineering or designee where necessary based on a violation of this ordinance, to protect the public health, safety, or welfare, to prevent a nuisance from developing or continuing, emergency situations, or to comply with the city code of ordinances, or to comply with applicable state or federal law.

5.65.090. Penalty. Any person or business violating the provisions of this chapter shall upon conviction be fined a sum of not less than sixty dollars and not more than five hundred dollars, together with the costs of prosecution.

SECTION 2. That the City of Eau Claire Fees and Licenses Schedule is hereby revised to reflect:

1. A fee of \$250 for an initial new application;
2. A fee of \$150 for renewal of a license; and
3. A one-time fee of \$15 per scooter.

Licenses obtained prior to June 30 in the year 2021 shall be valid until June 30, 2022 without paying a renewal fee. City property rental locations shall have an associated cost of \$100 or \$200 per year, as described on the attached location map. Amendments to these fees may be made by City Council resolution.

(SEAL) President Terry L. Weld
(SEAL) Interim City Manager David A. Solberg
(ATTESTED) City Clerk Carrie L. Riepl

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